

SENATE BILL No. 209

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-40; IC 5-2-8; IC 6-7-3; IC 7.1-8; IC 7.1-9; IC 15-16-7-8; IC 33-37; IC 35-48-4; IC 35-52-7-97.

Synopsis: Medical marijuana. Establishes a medical marijuana program (program) and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment of certain medical conditions. Establishes the department of marijuana enforcement (DOME) as a state agency to oversee the program, and creates the DOME advisory committee to review the effectiveness of the program and to consider recommendations from DOME. Authorizes DOME to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Makes conforming amendments.

Effective: July 1, 2016.

Tallian

January 6, 2016, read first time and referred to Committee on Health & Provider Services.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 209

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-5-40 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2016]:
- 4 **Chapter 40. DOME Advisory Committee**
- 5 **Sec. 1. The following definitions apply throughout this chapter:**
- 6 (1) "Advisory committee" means the **DOME** advisory
- 7 committee established by section 2 of this chapter.
- 8 (2) "**DOME**" means the department of marijuana
- 9 enforcement established by IC 7.1-9-2-1.
- 10 **Sec. 2. The DOME advisory committee is established.**
- 11 **Sec. 3. (a) The advisory committee consists of the following four**
- 12 **(4) voting members and five (5) nonvoting members:**
- 13 (1) **One (1) legislative member appointed by the speaker of the**
- 14 **house of representatives.**
- 15 (2) **One (1) legislative member appointed by the minority**
- 16 **leader of the house of representatives.**
- 17 (3) **One (1) legislative member appointed by the president pro**



1 **tempore of the senate.**

2 **(4) One (1) legislative member appointed by the minority**
 3 **leader of the senate.**

4 **(5) One (1) representative of law enforcement, appointed as a**
 5 **nonvoting member by the speaker of the house of**
 6 **representatives.**

7 **(6) One (1) individual having experience in the treatment of**
 8 **medical conditions by means of medical marijuana as a**
 9 **patient, physician, or caregiver, appointed as a nonvoting**
 10 **member by the president pro tempore of the senate.**

11 **(7) The commissioner of the department of revenue or the**
 12 **commissioner's designee, who serves as a nonvoting member.**

13 **(8) The director of the department of agriculture or the**
 14 **director's designee, who serves as a nonvoting member.**

15 **(9) The state health commissioner or the commissioner's**
 16 **designee, who serves as a nonvoting member.**

17 **(b) The chairperson of the legislative council shall annually**
 18 **select one (1) of the voting members to serve as chairperson.**

19 **Sec. 4. (a) A legislative member of the advisory committee may**
 20 **be removed at any time by the appointing authority who appointed**
 21 **the legislative member.**

22 **(b) If a vacancy exists on the advisory committee, the appointing**
 23 **authority who appointed the former member whose position has**
 24 **become vacant shall appoint an individual to fill the vacancy.**

25 **Sec. 5. Each member of the advisory committee is entitled to**
 26 **receive the same per diem, mileage, and travel allowances paid to**
 27 **individuals who serve as legislative and lay members, respectively,**
 28 **of interim study committees established by the legislative council.**

29 **Sec. 6. The affirmative votes of a majority of the voting**
 30 **members appointed to the advisory committee are required for the**
 31 **advisory committee to take action on any measure, including final**
 32 **reports.**

33 **Sec. 7. The advisory committee shall do the following:**

34 **(1) Review rules adopted by DOME.**

35 **(2) Review legislative proposals suggested by DOME.**

36 **(3) Evaluate the medical marijuana research and development**
 37 **program under IC 7.1-9-5.**

38 **(4) Evaluate the operation of the medical marijuana program.**

39 **(5) Consider any other matter that has bearing on the**
 40 **operation of the medical marijuana program.**

41 **SECTION 2. IC 5-2-8-5 IS AMENDED TO READ AS FOLLOWS**
 42 **[EFFECTIVE JULY 1, 2016]: Sec. 5. (a) There is established the state**



1 police training fund. The fund consists of amounts collected under
 2 ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and
 3 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the state police
 4 department.

5 (b) If the state police department files a claim under IC 33-37-8-4
 6 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
 7 fund, the fiscal officer of the city or town or the county auditor shall
 8 deposit fees collected under the cause numbers submitted by the state
 9 police department into the state police training fund established under
 10 this section.

11 (c) Claims against the state police training fund must be submitted
 12 in accordance with IC 5-11-10.

13 (d) Money in excess of one hundred dollars (\$100) that is
 14 unencumbered and remains in the state police training fund for at least
 15 one (1) entire calendar year from the date of its deposit shall, at the end
 16 of the state's fiscal year, be deposited in the law enforcement training
 17 fund established under IC 5-2-1-13(b).

18 (e) As used in this subsection, "abuse" has the meaning set forth in
 19 section 1(a) of this chapter. As a part of the state police department's
 20 in-service training, the department shall provide to each law
 21 enforcement officer employed by the department continuing education
 22 concerning the following:

- 23 (1) Duties of a law enforcement officer in enforcing restraining
 24 orders, protective orders, temporary injunctions, and permanent
 25 injunctions involving abuse.
- 26 (2) Guidelines for making felony and misdemeanor arrests in
 27 cases involving abuse.
- 28 (3) Techniques for handling incidents of abuse that:
 - 29 (A) minimize the likelihood of injury to the law enforcement
 30 officer; and
 - 31 (B) promote the safety of a victim.
- 32 (4) Information about the nature and extent of the abuse.
- 33 (5) Information about the legal rights of and remedies available
 34 to victims of abuse.
- 35 (6) How to document and collect evidence in an abuse case.
- 36 (7) The legal consequences of abuse.
- 37 (8) The impact on children of law enforcement intervention in
 38 abuse cases.
- 39 (9) Services and facilities available to victims of abuse and
 40 abusers.
- 41 (10) Verification of restraining orders, protective orders,
 42 temporary injunctions, and permanent injunctions.



- 1 (11) Policies concerning arrest or release of suspects in abuse
 2 cases.
 3 (12) Emergency assistance to victims of abuse and criminal
 4 justice options for victims of abuse.
 5 (13) Landlord-tenant concerns in abuse cases.
 6 (14) The taking of an abused child into protective custody.
 7 (15) Assessment of a situation in which a child may be seriously
 8 endangered if the child is left in the child's home.
 9 (16) Assessment of a situation involving an endangered adult (as
 10 defined in IC 12-10-3-2).
 11 (17) Response to a sudden, unexpected infant death.

12 The cost of providing continuing education under this subsection shall
 13 be paid from money in the state police training fund.

14 SECTION 3. IC 5-2-8-7 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) There is established the
 16 conservation officers training fund. The department of natural
 17 resources shall administer the fund. The fund consists of amounts
 18 collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,
 19 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on
 20 behalf of the department of natural resources.

21 (b) If the department of natural resources files a claim under
 22 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
 23 county user fee fund, the fiscal officer of the city or town or the county
 24 auditor shall deposit fees collected under the cause numbers submitted
 25 by the department of natural resources into the conservation officers
 26 training fund established under this section.

27 (c) Claims against the conservation officers training fund must be
 28 submitted in accordance with IC 5-11-10.

29 (d) Money in excess of one hundred dollars (\$100) that is
 30 unencumbered and remains in the conservation officers' training fund
 31 for at least one (1) entire calendar year from the date of its deposit
 32 shall, at the end of the state's fiscal year, be deposited in the law
 33 enforcement training fund established under IC 5-2-1-13(b).

34 SECTION 4. IC 5-2-8-8 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) There is established the
 36 alcoholic beverage enforcement officers' training fund. The alcohol and
 37 tobacco commission shall administer the fund. The fund consists of
 38 amounts collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,
 39 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on
 40 behalf of the alcohol and tobacco commission.

41 (b) If the alcohol and tobacco commission files a claim under
 42 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a



1 county user fee fund, the fiscal officer of the city or town or the county
2 auditor shall deposit fees collected under the cause numbers submitted
3 by the alcohol and tobacco commission into the alcoholic beverage
4 enforcement officers' training fund established under this section.

5 (c) Claims against the alcoholic beverage enforcement officers'
6 training fund must be submitted in accordance with IC 5-11-10.

7 (d) Money in excess of one hundred dollars (\$100) that is
8 unencumbered and remains in the alcoholic beverage enforcement
9 officers' training fund for at least one (1) entire calendar year from the
10 date of its deposit shall, at the end of the state's fiscal year, be deposited
11 in the law enforcement training fund established under IC 5-2-1-13(b).

12 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2016].
13 (Controlled Substance Excise Tax).

14 SECTION 6. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A
15 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
16 2016]:

17 **ARTICLE 8. MEDICAL MARIJUANA**

18 **Chapter 1. Definitions**

19 **Sec. 1. The following definitions apply throughout this article:**

20 (1) "Adequate supply for treatment" means the amount of
21 marijuana necessary to provide care for a treatable medical
22 condition for a thirty (30) day period, as determined by a
23 physician recommendation.

24 (2) "DOME" means the department of marijuana
25 enforcement established by IC 7.1-9-2-1.

26 (3) "DOME committee" means the DOME commissioners
27 described in IC 7.1-9-3.

28 (4) "Marijuana" means any part of the plant genus *Cannabis*.

29 (5) "Medical marijuana card" means a valid card issued by
30 DOME that authorizes the individual to whom the card is
31 issued to possess marijuana.

32 (6) "Physician" means an individual holding an unlimited
33 license to practice medicine in Indiana.

34 (7) "Physician recommendation" means a written
35 recommendation that the use of marijuana may benefit a
36 particular patient suffering from a treatable medical
37 condition. A physician recommendation may specify an
38 adequate supply for treatment.

39 (8) "Qualified patient" means an individual who has been
40 issued a medical marijuana card by DOME.

41 (9) "Qualified primary caregiver" means the primary
42 caregiver for a qualified patient who has been issued a



1 **medical marijuana card by DOME on behalf of the qualified**
 2 **patient.**

3 **(10) "Qualified researcher" means a person listed on a valid**
 4 **marijuana research license issued by DOME.**

5 **(11) "Treatable medical condition" means an illness or other**
 6 **condition, the symptoms of which (including the side effects**
 7 **and symptoms caused by any other treatment for the**
 8 **condition) may be treated by the use of marijuana. The term**
 9 **includes the following:**

10 **(A) Acquired immune deficiency syndrome (AIDS) or**
 11 **positive status for the human immunodeficiency virus**
 12 **(HIV).**

13 **(B) Anorexia.**

14 **(C) Arthritis.**

15 **(D) Cachexia.**

16 **(E) Chronic cancer pain.**

17 **(F) Glaucoma.**

18 **(G) Migraine.**

19 **(H) Persistent muscle spasms, including spasms associated**
 20 **with multiple sclerosis, Crohn's disease, or related**
 21 **conditions.**

22 **(I) Seizures, including those characteristic of epilepsy.**

23 **(J) Severe nausea.**

24 **(K) Posttraumatic stress disorder.**

25 **(L) Any persistent or chronic illness or condition that, in**
 26 **the opinion of a physician:**

27 **(i) substantially limits the ability of an individual to**
 28 **conduct one (1) or more major life activities; or**

29 **(ii) may cause serious harm to a patient's safety or**
 30 **mental or physical health if not alleviated;**

31 **if the illness or condition may be improved by the use of**
 32 **marijuana.**

33 **(M) Any other illness or condition determined by DOME**
 34 **to be a treatable medical condition.**

35 **Chapter 2. Qualified Patients and Qualified Primary Caregivers**

36 **Sec. 1. (a) An individual may apply to DOME to be a qualified**
 37 **patient if the individual suffers from a treatable medical condition.**
 38 **An individual may apply to DOME to be a qualified primary**
 39 **caregiver if the individual for whom the individual provides care**
 40 **suffers from a treatable medical condition.**

41 **(b) To be approved as a qualified patient, an individual must**
 42 **submit to DOME a physician recommendation stating that the**



1 individual suffers from a treatable medical condition. To be
 2 approved as a qualified primary caregiver, an individual must
 3 submit to DOME a physician recommendation stating that the
 4 individual for whom the caregiver provides care suffers from a
 5 treatable medical condition.

6 (c) DOME shall issue to an individual a medical marijuana card
 7 indicating that the individual is a qualified patient or a qualified
 8 primary caregiver after:

9 (1) receipt of a:

10 (A) completed application; and

11 (B) physician recommendation;

12 (2) verification that the individual who tendered the physician
 13 recommendation is a licensed physician; and

14 (3) compliance with any other rule adopted by DOME.

15 (d) An application for a medical marijuana card may be denied
 16 for the following reasons:

17 (1) The application is not complete or required information is
 18 missing.

19 (2) The applicant submits false information.

20 (3) The applicant does not meet the criteria required to obtain
 21 a medical marijuana card.

22 (4) The individual who tendered the physician
 23 recommendation is not a licensed physician.

24 (e) A medical marijuana card issued under this section is valid
 25 for two (2) years, unless the physician recommendation expressly
 26 recommends a shorter period.

27 (f) DOME may charge a reasonable fee, not to exceed one
 28 hundred dollars (\$100), to apply for a medical marijuana card. The
 29 fee shall be deposited in the state general fund.

30 (g) Except as provided in subsection (h), for purposes of
 31 IC 5-14-3-4(a)(1), the following information is confidential, may
 32 not be published, and is not open to public inspection:

33 (1) Information submitted by an individual under this section
 34 to obtain a medical marijuana card.

35 (2) Information obtained by a federal, state, or local
 36 government entity in the course of an investigation concerning
 37 an individual who applies to obtain a medical marijuana card.

38 (3) The name and address of the individual, and any other
 39 information that may be used to identify an individual, who
 40 holds a medical marijuana card.

41 (h) Notwithstanding subsection (g):

42 (1) any information concerning an individual who applies for,



1 or an individual who holds, a medical marijuana card may be
2 released to a federal, state, or local government entity:

3 (A) for law enforcement purposes; or

4 (B) to determine the validity of a medical marijuana card;
5 and

6 (2) general information concerning the issuance of a medical
7 marijuana card in Indiana may be released to a person
8 conducting journalistic or academic research (including the
9 research described in IC 7.1-9-5), but only if all personal
10 information that may be used to identify any individual who
11 applies for or holds a medical marijuana card issued under
12 this chapter has been removed from the general information.

13 (i) A person who knowingly or intentionally violates this section
14 by releasing confidential information commits a disclosure of
15 confidential medical information, a Class B misdemeanor.

16 (j) A person who knowingly makes a material misstatement in
17 an application for a medical marijuana card under this section
18 commits fraudulent application for a medical marijuana card, a
19 Class B misdemeanor.

20 Sec. 2. A qualified patient or qualified primary caregiver may:

21 (1) possess the greater of:

22 (A) eight (8) ounces or less of dried marijuana; or

23 (B) an adequate supply for treatment as set forth in a
24 physician recommendation; and

25 (2) possess, grow, or cultivate not more than twelve (12)
26 marijuana plants.

27 Sec. 3. (a) A qualified primary caregiver may deliver to, or
28 possess with intent to deliver to, a qualified patient for whom the
29 caregiver is the primary caregiver:

30 (1) the greater of:

31 (A) eight (8) ounces or less of dried marijuana; or

32 (B) an adequate supply for treatment as set forth in a
33 physician recommendation; and

34 (2) not more than twelve (12) marijuana plants.

35 (b) A qualified primary caregiver may possess, grow, or
36 cultivate not more than twelve (12) marijuana plants for use by a
37 qualified patient for whom the individual is the primary caregiver.

38 Sec. 4. The medical licensing board may not take an adverse
39 action against a physician who makes a physician recommendation
40 in good faith under this article solely on the basis of the physician
41 recommendation.

42 SECTION 7. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A



1 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2 2016]:

3 **ARTICLE 9. DEPARTMENT OF MARIJUANA**
4 **ENFORCEMENT**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in IC 7.1-8-1-1 apply throughout this**
7 **article.**

8 **Chapter 2. General Provisions**

9 **Sec. 1. The department of marijuana enforcement (DOME) is**
10 **established as an agency of the state for purposes of administering**
11 **the medical marijuana program.**

12 **Sec. 2. (a) DOME consists of:**

- 13 (1) the DOME committee;
14 (2) the executive director; and
15 (3) other employees necessary to carry out the duties of
16 DOME.

17 (b) The DOME committee consists of four (4) members and
18 shall direct and oversee the operation of DOME.

19 **Sec. 3. (a) DOME commissioners shall be appointed by the**
20 **governor.**

21 (b) A commissioner is eligible for reappointment.

22 (c) Not more than two (2) commissioners may belong to the
23 same political party.

24 (d) A commissioner shall be appointed to a four (4) year term.

25 (e) A commissioner serves the commissioner's term at the
26 pleasure of the governor.

27 **Sec. 4. To be eligible for appointment as a commissioner, an**
28 **individual must have the following qualifications:**

- 29 (1) The individual may not be employed by the state in any
30 other capacity.
31 (2) The individual must have good moral character.
32 (3) The individual must have been a resident of Indiana for at
33 least ten (10) years immediately preceding the appointment.

34 **Sec. 5. The governor shall appoint one (1) commissioner to serve**
35 **as chairperson of the DOME committee, and one (1) commissioner**
36 **to serve as vice chairperson. The vice chairperson shall act as the**
37 **chairperson if the chairperson is unable to attend a meeting of the**
38 **DOME committee.**

39 **Sec. 6. A commissioner appointed to fill a vacancy in the**
40 **membership of the DOME committee shall serve only for the**
41 **unexpired portion of the original, vacated term. In all other**
42 **respects, an appointment to fill a vacancy shall be made in the**



1 same manner that an original appointment is made.

2 **Sec. 7.** As compensation for services, each commissioner is
 3 entitled to the minimum salary per diem provided by
 4 IC 4-10-11-2.1(b). A commissioner is also entitled to
 5 reimbursement for traveling expenses as provided under
 6 IC 4-13-1-4 and other expenses actually incurred in connection
 7 with the commissioner's duties as provided in the state policies and
 8 procedures established by the Indiana department of
 9 administration and approved by the budget agency.

10 **Sec. 8.** Each commissioner shall execute:

- 11 (1) a surety bond in the amount of ten thousand dollars
 12 (\$10,000), with surety approved by the governor; and
 13 (2) an oath of office.

14 The surety bond and the oath of office shall be filed in the office of
 15 the secretary of state.

16 **Sec. 9.** The required surety bond executed and filed on behalf of
 17 a commissioner shall be made payable to the state of Indiana and
 18 conditioned upon the faithful discharge of the commissioner's
 19 duties.

20 **Sec. 10.** The DOME committee shall hold meetings at the call of
 21 the chairperson. The DOME committee may establish rules
 22 governing meetings.

23 **Sec. 11. (a)** Three (3) members of the DOME committee
 24 constitute a quorum for the transaction of business.

25 (b) Each commissioner has one (1) vote.

26 (c) Action of the DOME committee may be taken only upon the
 27 affirmative votes of at least two (2) commissioners. If a vote is a tie,
 28 the position for which the chairperson voted prevails, as long as
 29 that position has received the affirmative votes of at least two (2)
 30 commissioners.

31 **Sec. 12.** A commissioner may not solicit or accept a political
 32 contribution from a qualified patient, qualified primary caregiver,
 33 or from any individual or entity that has a permit or has applied
 34 for a permit issued by DOME. However, the right of a
 35 commissioner to vote as the commissioner chooses and to express
 36 the commissioner's opinions on political subjects and candidates
 37 may not be impaired.

38 **Chapter 3. Employees and Administration**

39 **Sec. 1. (a)** The DOME committee shall appoint an executive
 40 director to aid DOME in the efficient administration of its powers
 41 and duties.

42 (b) The DOME committee shall fix the salary of the executive



1 director, subject to the approval of the budget agency.
 2 Sec. 2. DOME shall have the power to employ all necessary
 3 employees, determine their duties, and, subject to the approval of
 4 the DOME committee and the budget agency, fix their salaries.
 5 Chapter 4. Powers and Duties
 6 Sec. 1. The chairperson shall be the presiding officer at the
 7 meetings of the DOME committee. The chairperson, together with
 8 the executive director, shall prepare, certify, and authenticate all
 9 proceedings, minutes, records, rules, and regulations of the DOME
 10 committee. The chairperson shall also perform all other duties as
 11 imposed by this title.
 12 Sec. 2. DOME has the power to organize its work, to enforce
 13 and administer the provisions of this article and IC 7.1-8, and to
 14 enforce and administer the rules adopted by DOME.
 15 Sec. 3. DOME shall adopt rules under IC 4-22-2 to prescribe the
 16 forms for all applications, documents, permits, medical marijuana
 17 cards, and licenses used in the administration of this article and
 18 IC 7.1-8.
 19 Sec. 4. DOME has the following powers:
 20 (1) To hold hearings before DOME or its representative.
 21 (2) To take testimony and receive evidence.
 22 (3) To conduct inquiries with or without a hearing.
 23 (4) To receive reports of investigators or other governmental
 24 officers and employees.
 25 (5) To administer oaths.
 26 (6) To subpoena witnesses and to compel them to appear and
 27 testify.
 28 (7) To certify copies of records of DOME or any other
 29 document or record on file with DOME.
 30 (8) To fix the form, mode, manner, time, and number of times
 31 for the posting or publication of any required notices if not
 32 otherwise provided.
 33 (9) To adopt rules under IC 4-22-2 to carry out this article
 34 and IC 7.1-8.
 35 Sec. 5. DOME has the following duties:
 36 (1) To establish the medical marijuana program described in
 37 IC 7.1-8 and to adopt all necessary rules to implement the
 38 program.
 39 (2) To implement protocols for the application and issuance
 40 of a medical marijuana card, including protocols to:
 41 (A) prevent fraud;
 42 (B) ensure the accuracy of information contained in the



- 1 application; and
 2 (C) protect the privacy of an applicant.
 3 (3) To advise the general assembly concerning the
 4 establishment of a program for the:
 5 (A) manufacture;
 6 (B) cultivation;
 7 (C) transportation; and
 8 (D) dispensing;
 9 of medical marijuana.
 10 (4) To encourage research concerning medical marijuana and
 11 issue licenses as described in IC 7.1-9-5.
 12 **Chapter 5. Research and Development**
 13 **Sec. 1. To permit and encourage research concerning medical**
 14 **marijuana:**
 15 (1) an accredited institution of higher education with a
 16 physical presence in Indiana; and
 17 (2) a pharmaceutical or agricultural business having a
 18 research facility in Indiana;
 19 may apply for a license to conduct research concerning medical
 20 marijuana.
 21 **Sec. 2. An application under this chapter must include the**
 22 **following:**
 23 (1) The nature of the research project.
 24 (2) The names of the individuals who will conduct the
 25 research.
 26 (3) The approximate quantity of marijuana that will be used
 27 in the research project.
 28 (4) The security protocol to be implemented to ensure that
 29 marijuana is not diverted for uses other than the research
 30 project.
 31 (5) Any other information required by DOME.
 32 **Sec. 3. Upon receipt of a completed application, DOME may**
 33 **issue a research license to the institution of higher education or**
 34 **business. The research license must specifically list the names of**
 35 **each individual participating in the research project who will have**
 36 **custody or control of marijuana for research purposes and the**
 37 **approximate quantity of the marijuana that will be used in the**
 38 **research project.**
 39 **Sec. 4. DOME may charge a reasonable fee for issuance of a**
 40 **research license.**
 41 **SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,**
 42 **2016]. Sec. 8. In addition to the weed control board's powers and duties**



1 under section 7 of this chapter, the weed control board may establish
 2 a marijuana eradication program to eliminate and destroy wild
 3 marijuana plants within the county. The program is funded by amounts
 4 appropriated by the county:

5 (1) under IC 33-37-8; and

6 (2) from the county general fund.

7 SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),
 8 SECTION 392, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) For each action that results in
 10 a felony conviction under IC 35-50-2 or a misdemeanor conviction
 11 under IC 35-50-3, the clerk shall collect from the defendant a criminal
 12 costs fee of one hundred twenty dollars (\$120).

13 (b) In addition to the criminal costs fee collected under this section,
 14 the clerk shall collect from the defendant the following fees if they are
 15 required under IC 33-37-5:

16 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 17 IC 33-37-5-4).

18 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

19 ~~(3) (2) An alcohol and drug services program user fee~~
 20 ~~(IC 33-37-5-8(b)).~~

21 ~~(4) (3) A law enforcement continuing education program fee~~
 22 ~~(IC 33-37-5-8(c)).~~

23 ~~(5) (4) A drug abuse, prosecution, interdiction, and correction fee~~
 24 ~~(IC 33-37-5-9).~~

25 ~~(6) (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).~~

26 ~~(7) (6) A child abuse prevention fee (IC 33-37-5-12).~~

27 ~~(8) (7) A domestic violence prevention and treatment fee~~
 28 ~~(IC 33-37-5-13).~~

29 ~~(9) (8) A highway work worksite zone fee (IC 33-37-5-14).~~

30 ~~(10) (9) A deferred prosecution fee (IC 33-37-5-17).~~

31 ~~(11) (10) A document storage fee (IC 33-37-5-20).~~

32 ~~(12) (11) An automated record keeping fee (IC 33-37-5-21).~~

33 ~~(13) (12) A late payment fee (IC 33-37-5-22).~~

34 ~~(14) (13) A sexual assault victims assistance fee (IC 33-37-5-23).~~

35 ~~(15) (14) A public defense administration fee (IC 33-37-5-21.2).~~

36 ~~(16) (15) A judicial insurance adjustment fee (IC 33-37-5-25).~~

37 ~~(17) (16) A judicial salaries fee (IC 33-37-5-26).~~

38 ~~(18) (17) A court administration fee (IC 33-37-5-27).~~

39 ~~(19) (18) A DNA sample processing fee (IC 33-37-5-26.2).~~

40 (c) Instead of the criminal costs fee prescribed by this section,
 41 except for the automated record keeping fee (IC 33-37-5-21), the clerk
 42 shall collect a pretrial diversion program fee if an agreement between



1 the prosecuting attorney and the accused person entered into under
2 IC 33-39-1-8 requires payment of those fees by the accused person.

3 The pretrial diversion program fee is:

- 4 (1) an initial user's fee of fifty dollars (\$50); and
5 (2) a monthly user's fee of ten dollars (\$10) for each month that
6 the person remains in the pretrial diversion program.

7 (d) The clerk shall transfer to the county auditor or city or town
8 fiscal officer the following fees, not later than thirty (30) days after the
9 fees are collected:

- 10 (1) The pretrial diversion fee.
11 ~~(2) The marijuana eradication program fee.~~
12 ~~(3) The alcohol and drug services program user fee.~~
13 ~~(4) The law enforcement continuing education program fee.~~

14 The auditor or fiscal officer shall deposit fees transferred under this
15 subsection in the appropriate user fee fund established under
16 IC 33-37-8.

17 (e) Unless otherwise directed by a court, if a clerk collects only part
18 of a criminal costs fee from a defendant under this section, the clerk
19 shall distribute the partial payment of the criminal costs fee as follows:

- 20 (1) The clerk shall apply the partial payment to general court
21 costs.
22 (2) If there is money remaining after the partial payment is
23 applied to general court costs under subdivision (1), the clerk
24 shall distribute the remainder of the partial payment for deposit in
25 the appropriate county user fee fund.
26 (3) If there is money remaining after distribution under
27 subdivision (2), the clerk shall distribute the remainder of the
28 partial payment for deposit in the state user fee fund.
29 (4) If there is money remaining after distribution under
30 subdivision (3), the clerk shall distribute the remainder of the
31 partial payment to any other applicable user fee fund.
32 (5) If there is money remaining after distribution under
33 subdivision (4), the clerk shall apply the remainder of the partial
34 payment to any outstanding fines owed by the defendant.

35 SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.176-2005,
36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2016]: Sec. 3. (a) The clerk shall collect a juvenile costs fee
38 of one hundred twenty dollars (\$120) for each action filed under any of
39 the following:

- 40 (1) IC 31-34 (children in need of services).
41 (2) IC 31-37 (delinquent children).
42 (3) IC 31-14 (paternity).



1 (b) In addition to the juvenile costs fee collected under this section,
 2 the clerk shall collect the following fees, if they are required under
 3 IC 33-37-5:

4 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 5 IC 33-37-5-4).

6 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

7 ~~(3)~~ (2) An alcohol and drug services program user fee
 8 (IC 33-37-5-8(b)).

9 ~~(4)~~ (3) A law enforcement continuing education program fee
 10 (IC 33-37-5-8(c)).

11 ~~(5)~~ (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

12 ~~(6)~~ (5) A document storage fee (IC 33-37-5-20).

13 ~~(7)~~ (6) An automated record keeping fee (IC 33-37-5-21).

14 ~~(8)~~ (7) A late payment fee (IC 33-37-5-22).

15 ~~(9)~~ (8) A public defense administration fee (IC 33-37-5-21.2).

16 ~~(10)~~ (9) A judicial insurance adjustment fee (IC 33-37-5-25).

17 ~~(11)~~ (10) A judicial salaries fee (IC 33-37-5-26).

18 ~~(12)~~ (11) A court administration fee (IC 33-37-5-27).

19 ~~(13)~~ (12) A DNA sample processing fee (IC 33-37-5-26.2).

20 (c) The clerk shall transfer to the county auditor or city or town
 21 fiscal officer the following fees not later than thirty (30) days after they
 22 are collected:

23 ~~(1) The marijuana eradication program fee (IC 33-37-5-7).~~

24 ~~(2)~~ (1) The alcohol and drug services program user fee
 25 (IC 33-37-5-8(b)).

26 ~~(3)~~ (2) The law enforcement continuing education program fee
 27 (IC 33-37-5-8(c)).

28 The auditor or fiscal officer shall deposit the fees in the appropriate
 29 user fee fund established under IC 33-37-8.

30 SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,
 31 2016]. Sec. 7: (a) This section applies to criminal actions:

32 (b) The clerk shall collect the marijuana eradication program fee set
 33 by the court under IC 15-16-7-8, if:

34 (1) a weed control board has been established in the county under
 35 IC 15-16-7-3; and

36 (2) the person has been convicted of an offense under IC 35-48-4
 37 in a case prosecuted in that county.

38 (c) The court may set a fee under this section of not more than three
 39 hundred dollars (\$300):

40 SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.213-2015,
 41 SECTION 259, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The clerk of a circuit court



1 shall distribute semiannually to the auditor of state as the state share for
 2 deposit in the homeowner protection unit account established by
 3 IC 4-6-12-9 one hundred percent (100%) of the automated record
 4 keeping fees collected under IC 33-37-5-21 with respect to actions
 5 resulting in the accused person entering into a pretrial diversion
 6 program agreement under IC 33-39-1-8 or a deferral program
 7 agreement under IC 34-28-5-1 and for deposit in the state general fund
 8 seventy percent (70%) of the amount of fees collected under the
 9 following:

- 10 (1) IC 33-37-4-1(a) (criminal costs fees).
- 11 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 12 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 13 (4) IC 33-37-4-4(a) (civil costs fees).
- 14 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 15 (6) IC 33-37-4-7(a) (probate costs fees).
- 16 (7) IC 33-37-5-17 (deferred prosecution fees).

17 (b) The clerk of a circuit court shall distribute semiannually to the
 18 auditor of state for deposit in the state user fee fund established in
 19 IC 33-37-9-2 the following:

- 20 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 21 interdiction, and correction fees collected under
 22 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 23 (2) Twenty-five percent (25%) of the alcohol and drug
 24 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 25 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 26 **IC 33-37-4-3(b)(4)**.
- 27 (3) One hundred percent (100%) of the child abuse prevention
 28 fees collected under ~~IC 33-37-4-1(b)(7)~~; **IC 33-37-4-1(b)(6)**.
- 29 (4) One hundred percent (100%) of the domestic violence
 30 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~
 31 **IC 33-37-4-1(b)(7)**.
- 32 (5) One hundred percent (100%) of the highway ~~work~~ **worksite**
 33 zone fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)**
 34 and IC 33-37-4-2(b)(5).
- 35 (6) One hundred percent (100%) of the safe schools fee collected
 36 under IC 33-37-5-18.
- 37 (7) One hundred percent (100%) of the automated record keeping
 38 fee collected under IC 33-37-5-21 not distributed under
 39 subsection (a).

40 (c) The clerk of a circuit court shall distribute monthly to the county
 41 auditor the following:

- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,



1 interdiction, and correction fees collected under
2 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.

3 (2) Seventy-five percent (75%) of the alcohol and drug
4 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~,
5 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.
6 **IC 33-37-4-3(b)(4)**.

7 The county auditor shall deposit fees distributed by a clerk under this
8 subsection into the county drug free community fund established under
9 IC 5-2-11.

10 (d) The clerk of a circuit court shall distribute monthly to the county
11 auditor one hundred percent (100%) of the late payment fees collected
12 under IC 33-37-5-22. The county auditor shall deposit fees distributed
13 by a clerk under this subsection as follows:

14 (1) If directed to do so by an ordinance adopted by the county
15 fiscal body, the county auditor shall deposit forty percent (40%)
16 of the fees in the clerk's record perpetuation fund established
17 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
18 county general fund.

19 (2) If the county fiscal body has not adopted an ordinance
20 described in subdivision (1), the county auditor shall deposit all
21 the fees in the county general fund.

22 (e) The clerk of the circuit court shall distribute semiannually to the
23 auditor of state for deposit in the sexual assault victims assistance
24 account established by IC 5-2-6-23(h) one hundred percent (100%) of
25 the sexual assault victims assistance fees collected under
26 IC 33-37-5-23.

27 (f) The clerk of a circuit court shall distribute monthly to the county
28 auditor the following:

29 (1) One hundred percent (100%) of the support and maintenance
30 fees for cases designated as non-Title IV-D child support cases in
31 the Indiana support enforcement tracking system (ISETS) or the
32 successor statewide automated support enforcement system
33 collected under IC 33-37-5-6.

34 (2) The percentage share of the support and maintenance fees for
35 cases designated as Title IV-D child support cases in ISETS or the
36 successor statewide automated support enforcement system
37 collected under IC 33-37-5-6 that is reimbursable to the county at
38 the federal financial participation rate.

39 The county clerk shall distribute monthly to the department of child
40 services the percentage share of the support and maintenance fees for
41 cases designated as Title IV-D child support cases in ISETS, or the
42 successor statewide automated support enforcement system, collected



1 under IC 33-37-5-6 that is not reimbursable to the county at the
2 applicable federal financial participation rate.

3 (g) The clerk of a circuit court shall distribute monthly to the county
4 auditor the following:

5 (1) One hundred percent (100%) of the small claims service fee
6 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
7 the county general fund.

8 (2) One hundred percent (100%) of the small claims garnishee
9 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
10 deposit in the county general fund.

11 (h) This subsection does not apply to court administration fees
12 collected in small claims actions filed in a court described in IC 33-34.
13 The clerk of a circuit court shall semiannually distribute to the auditor
14 of state for deposit in the state general fund one hundred percent
15 (100%) of the following:

16 (1) The public defense administration fee collected under
17 IC 33-37-5-21.2.

18 (2) The judicial salaries fees collected under IC 33-37-5-26.

19 (3) The DNA sample processing fees collected under
20 IC 33-37-5-26.2.

21 (4) The court administration fees collected under IC 33-37-5-27.

22 (i) The clerk of a circuit court shall semiannually distribute to the
23 auditor of state for deposit in the judicial branch insurance adjustment
24 account established by IC 33-38-5-8.2 one hundred percent (100%) of
25 the judicial insurance adjustment fee collected under IC 33-37-5-25.

26 (j) The proceeds of the service fee collected under
27 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
28 follows:

29 (1) The clerk shall distribute one hundred percent (100%) of the
30 service fees collected in a circuit, superior, county, or probate
31 court to the county auditor for deposit in the county general fund.

32 (2) The clerk shall distribute one hundred percent (100%) of the
33 service fees collected in a city or town court to the city or town
34 fiscal officer for deposit in the city or town general fund.

35 (k) The proceeds of the garnishee service fee collected under
36 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
37 follows:

38 (1) The clerk shall distribute one hundred percent (100%) of the
39 garnishee service fees collected in a circuit, superior, county, or
40 probate court to the county auditor for deposit in the county
41 general fund.

42 (2) The clerk shall distribute one hundred percent (100%) of the



1 garnishee service fees collected in a city or town court to the city
2 or town fiscal officer for deposit in the city or town general fund.

3 (l) The clerk of the circuit court shall distribute semiannually to the
4 auditor of state for deposit in the home ownership education account
5 established by IC 5-20-1-27 one hundred percent (100%) of the
6 following:

7 (1) The mortgage foreclosure counseling and education fees
8 collected under IC 33-37-5-33 (before its expiration on July 1,
9 2017).

10 (2) Any civil penalties imposed and collected by a court for a
11 violation of a court order in a foreclosure action under
12 IC 32-30-10.5.

13 (m) The clerk of a circuit court shall distribute semiannually to the
14 auditor of state one hundred percent (100%) of the pro bono legal
15 services fees collected before July 1, 2017, under IC 33-37-5-31. The
16 auditor of state shall transfer semiannually the pro bono legal services
17 fees to the Indiana Bar Foundation (or a successor entity) as the entity
18 designated to organize and administer the interest on lawyers trust
19 accounts (IOLTA) program under Rule 1.15 of the Rules of
20 Professional Conduct of the Indiana supreme court. The Indiana Bar
21 Foundation shall:

22 (1) deposit in an appropriate account and otherwise manage the
23 fees the Indiana Bar Foundation receives under this subsection in
24 the same manner the Indiana Bar Foundation deposits and
25 manages the net earnings the Indiana Bar Foundation receives
26 from IOLTA accounts; and

27 (2) use the fees the Indiana Bar Foundation receives under this
28 subsection to assist or establish approved pro bono legal services
29 programs.

30 The handling and expenditure of the pro bono legal services fees
31 received under this section by the Indiana Bar Foundation (or its
32 successor entity) are subject to audit by the state board of accounts. The
33 amounts necessary to make the transfers required by this subsection are
34 appropriated from the state general fund.

35 SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.213-2015,
36 SECTION 260, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The clerk of a city or town
38 court shall distribute semiannually to the auditor of state as the state
39 share for deposit in the homeowner protection unit account established
40 by IC 4-6-12-9 one hundred percent (100%) of the automated record
41 keeping fees collected under IC 33-37-5-21 with respect to actions
42 resulting in the accused person entering into a pretrial diversion



1 program agreement under IC 33-39-1-8 or a deferral program
 2 agreement under IC 34-28-5-1 and for deposit in the state general fund
 3 fifty-five percent (55%) of the amount of fees collected under the
 4 following:

- 5 (1) IC 33-37-4-1(a) (criminal costs fees).
- 6 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 7 (3) IC 33-37-4-4(a) (civil costs fees).
- 8 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 9 (5) IC 33-37-5-17 (deferred prosecution fees).

10 (b) The city or town fiscal officer shall distribute monthly to the
 11 county auditor as the county share twenty percent (20%) of the amount
 12 of fees collected under the following:

- 13 (1) IC 33-37-4-1(a) (criminal costs fees).
- 14 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 15 (3) IC 33-37-4-4(a) (civil costs fees).
- 16 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 17 (5) IC 33-37-5-17 (deferred prosecution fees).

18 (c) The city or town fiscal officer shall retain twenty-five percent
 19 (25%) as the city or town share of the fees collected under the
 20 following:

- 21 (1) IC 33-37-4-1(a) (criminal costs fees).
- 22 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 23 (3) IC 33-37-4-4(a) (civil costs fees).
- 24 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 25 (5) IC 33-37-5-17 (deferred prosecution fees).

26 (d) The clerk of a city or town court shall distribute semiannually to
 27 the auditor of state for deposit in the state user fee fund established in
 28 IC 33-37-9 the following:

- 29 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 30 interdiction, and correction fees collected under
 31 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 32 (2) Twenty-five percent (25%) of the alcohol and drug
 33 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 34 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 35 **IC 33-37-4-3(b)(4)**.
- 36 (3) One hundred percent (100%) of the highway ~~work~~ **worksite**
 37 zone fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)**
 38 and IC 33-37-4-2(b)(5).
- 39 (4) One hundred percent (100%) of the safe schools fee collected
 40 under IC 33-37-5-18.
- 41 (5) One hundred percent (100%) of the automated record keeping
 42 fee collected under IC 33-37-5-21 not distributed under



- 1 subsection (a).
- 2 (e) The clerk of a city or town court shall distribute monthly to the
- 3 county auditor the following:
- 4 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 5 interdiction, and ~~corrections~~ **correction** fees collected under
- 6 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 7 (2) Seventy-five percent (75%) of the alcohol and drug
- 8 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
- 9 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
- 10 **IC 33-37-4-3(b)(4)**.
- 11 The county auditor shall deposit fees distributed by a clerk under this
- 12 subsection into the county drug free community fund established under
- 13 IC 5-2-11.
- 14 (f) The clerk of a city or town court shall distribute monthly to the
- 15 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
- 16 percent (100%) of the following:
- 17 (1) The late payment fees collected under IC 33-37-5-22.
- 18 (2) The small claims service fee collected under
- 19 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 20 (3) The small claims garnishee service fee collected under
- 21 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 22 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
- 23 fees distributed by a clerk under this subsection in the city or town
- 24 general fund.
- 25 (g) The clerk of a city or town court shall semiannually distribute to
- 26 the auditor of state for deposit in the state general fund one hundred
- 27 percent (100%) of the following:
- 28 (1) The public defense administration fee collected under
- 29 IC 33-37-5-21.2.
- 30 (2) The DNA sample processing fees collected under
- 31 IC 33-37-5-26.2.
- 32 (3) The court administration fees collected under IC 33-37-5-27.
- 33 (h) The clerk of a city or town court shall semiannually distribute to
- 34 the auditor of state for deposit in the judicial branch insurance
- 35 adjustment account established by IC 33-38-5-8.2 one hundred percent
- 36 (100%) of the judicial insurance adjustment fee collected under
- 37 IC 33-37-5-25.
- 38 (i) The clerk of a city or town court shall semiannually distribute to
- 39 the auditor of state for deposit in the state general fund seventy-five
- 40 percent (75%) of the judicial salaries fee collected under
- 41 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
- 42 percent (25%) of the judicial salaries fee collected under



1 IC 33-37-5-26. The funds retained by the city or town shall be
2 prioritized to fund city or town court operations.

3 (j) The clerk of a city or town court shall distribute semiannually to
4 the auditor of state one hundred percent (100%) of the pro bono legal
5 services fees collected before July 1, 2017, under IC 33-37-5-31. The
6 auditor of state shall transfer semiannually the pro bono legal services
7 fees to the Indiana Bar Foundation (or a successor entity) as the entity
8 designated to organize and administer the interest on lawyers trust
9 accounts (IOLTA) program under Rule 1.15 of the Rules of
10 Professional Conduct of the Indiana supreme court. The Indiana Bar
11 Foundation shall:

12 (1) deposit in an appropriate account and otherwise manage the
13 fees the Indiana Bar Foundation receives under this subsection in
14 the same manner the Indiana Bar Foundation deposits and
15 manages the net earnings the Indiana Bar Foundation receives
16 from IOLTA accounts; and

17 (2) use the fees the Indiana Bar Foundation receives under this
18 subsection to assist or establish approved pro bono legal services
19 programs.

20 The handling and expenditure of the pro bono legal services fees
21 received under this section by the Indiana Bar Foundation (or its
22 successor entity) are subject to audit by the state board of accounts. The
23 amounts necessary to make the transfers required by this subsection are
24 appropriated from the state general fund.

25 SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,
26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2016]: Sec. 5. (a) A county user fee fund is established in each
28 county to finance various program services. The county fund is
29 administered by the county auditor.

30 (b) The county fund consists of the following fees collected by a
31 clerk under this article and by the probation department for the juvenile
32 court under IC 31-37-9-9:

33 (1) The pretrial diversion program fee.

34 (2) The informal adjustment program fee.

35 ~~(3) The marijuana eradication program fee.~~

36 ~~(4)~~ (3) The alcohol and drug services program fee.

37 ~~(5)~~ (4) The law enforcement continuing education program fee.

38 ~~(6)~~ (5) The deferral program fee.

39 ~~(7)~~ (6) The jury fee.

40 ~~(8)~~ (7) The problem solving court fee.

41 (c) All of the jury fee and two dollars (\$2) of a deferral program fee
42 collected under IC 33-37-4-2(e) shall be deposited by the county



1 auditor in the jury pay fund established under IC 33-37-11.

2 SECTION 15. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
3 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2016]: Sec. 8.3. (a) This section does not apply to a rolling
5 paper.

6 (b) A person who knowingly or intentionally possesses an
7 instrument, a device, or another object that the person intends to use
8 for:

- 9 (1) introducing into the person's body a controlled substance;
10 (2) testing the strength, effectiveness, or purity of a controlled
11 substance; or
12 (3) enhancing the effect of a controlled substance;

13 commits a Class C misdemeanor. However, the offense is a Class A
14 misdemeanor if the person has a prior unrelated judgment or conviction
15 under this section.

16 **(c) It is a defense to an action or prosecution under this section**
17 **that:**

18 **(1) the person who possesses the instrument, device, or other**
19 **object is a:**

- 20 **(A) qualified patient (as defined in IC 7.1-8-1-1) or**
21 **qualified primary caregiver (as defined in IC 7.1-8-1-1); or**
22 **(B) qualified researcher (as defined in IC 7.1-8-1-1); and**

23 **(2) the instrument, device, or other object is for the use of**
24 **medical marijuana or research relating to the use of medical**
25 **marijuana.**

26 SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.168-2014,
27 SECTION 100, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A person who:

29 (1) knowingly or intentionally:

- 30 (A) manufactures;
31 (B) finances the manufacture of;
32 (C) delivers; or
33 (D) finances the delivery of;

34 marijuana, hash oil, hashish, or salvia, pure or adulterated; or

35 (2) possesses, with intent to:

- 36 (A) manufacture;
37 (B) finance the manufacture of;
38 (C) deliver; or
39 (D) finance the delivery of;

40 marijuana, hash oil, hashish, or salvia, pure or adulterated;

41 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
42 misdemeanor, except as provided in subsections (b) through (d).



1 (b) A person may be convicted of an offense under subsection (a)(2)
 2 only if there is evidence in addition to the weight of the drug that the
 3 person intended to manufacture, finance the manufacture of, deliver,
 4 or finance the delivery of the drug.

5 (c) The offense is a Level 6 felony if:

6 (1) the person has a prior conviction for a drug offense and the
 7 amount of the drug involved is:

8 (A) less than thirty (30) grams of marijuana; or

9 (B) less than five (5) grams of hash oil, hashish, or salvia; or

10 (2) the amount of the drug involved is:

11 (A) at least thirty (30) grams but less than ten (10) pounds of
 12 marijuana; or

13 (B) at least five (5) grams but less than three hundred (300)
 14 grams of hash oil, hashish, or salvia.

15 (d) The offense is a Level 5 felony if:

16 (1) the person has a prior conviction for a drug dealing offense
 17 and the amount of the drug involved is:

18 (A) at least thirty (30) grams but less than ten (10) pounds of
 19 marijuana; or

20 (B) at least five (5) grams but less than three hundred (300)
 21 grams of hash oil, hashish, or salvia; or

22 (2) the:

23 (A) amount of the drug involved is:

24 (i) at least ten (10) pounds of marijuana; or

25 (ii) at least three hundred (300) grams of hash oil, hashish,
 26 or salvia; or

27 (B) offense involved a sale to a minor.

28 (e) **It is a defense to a prosecution under this section for an**
 29 **offense involving marijuana, hash oil, or hashish, that the person**
 30 **is a:**

31 **(1) qualified primary caregiver (as defined in IC 7.1-8-1-1), if:**

32 **(A) the possession or delivery of the marijuana, hash oil, or**
 33 **hashish is permitted under IC 7.1-8-2-3; and**

34 **(B) the quantity of marijuana, hash oil, or hashish**
 35 **possessed or delivered does not exceed the permissible**
 36 **amounts set forth in IC 7.1-8-2-3; or**

37 **(2) qualified researcher (as defined in IC 7.1-8-1-1), if:**

38 **(A) the possession or delivery of the marijuana, hash oil, or**
 39 **hashish is permitted by the research license issued by**
 40 **DOMÉ under IC 7.1-9-5; and**

41 **(B) the quantity of marijuana, hash oil, or hashish**
 42 **possessed or delivered does not exceed the permissible**



- 1 **quantity authorized by the research license issued by**
 2 **DOME.**
- 3 SECTION 17. IC 35-48-4-11, AS AMENDED BY
 4 P.L.226-2014(ts), SECTION 12, IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) A person who:
 6 (1) knowingly or intentionally possesses (pure or adulterated)
 7 marijuana, hash oil, hashish, or salvia;
 8 (2) knowingly or intentionally grows or cultivates marijuana; or
 9 (3) knowing that marijuana is growing on the person's premises,
 10 fails to destroy the marijuana plants;
 11 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 12 B misdemeanor, except as provided in subsections (b) through (c).
 13 (b) The offense described in subsection (a) is a Class A
 14 misdemeanor if the person has a prior conviction for a drug offense.
 15 (c) The offense described in subsection (a) is a Level 6 felony if:
 16 (1) the person has a prior conviction for a drug offense; and
 17 (2) the person possesses:
 18 (A) at least thirty (30) grams of marijuana; or
 19 (B) at least five (5) grams of hash oil, hashish, or salvia.
 20 **(d) It is a defense to a prosecution under this section for an**
 21 **offense involving marijuana, hash oil, or hashish that the person is**
 22 **a:**
 23 **(1) qualified patient (as defined under IC 7.1-8-1-1) or**
 24 **qualified primary caregiver (as defined under IC 7.1-8-1-1),**
 25 **if:**
 26 **(A) the possession of the marijuana, hash oil, or hashish is**
 27 **permitted under IC 7.1-8-2-2; and**
 28 **(B) the quantity of marijuana, hash oil, or hashish**
 29 **possessed or cultivated does not exceed the permissible**
 30 **amounts set forth in IC 7.1-8-2-2; or**
 31 **(2) qualified researcher (as defined under IC 7.1-8-1-1), if:**
 32 **(A) the possession or cultivation of the marijuana, hash oil,**
 33 **or hashish is permitted by the research license issued by**
 34 **DOME under IC 7.1-9-5; and**
 35 **(B) the quantity of marijuana, hash oil, or hashish**
 36 **possessed or cultivated does not exceed the permissible**
 37 **quantity authorized by the research license issued by**
 38 **DOME.**
- 39 SECTION 18. IC 35-52-7-97 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2016]: **Sec. 97. IC 7.1-8-2-1 defines a crime**
 42 **concerning medical marijuana.**

